

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re Scotts EZ Seed Litigation	:	12-CV-4727 (VB)
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**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, and all prior pleadings and proceedings had herein, Defendants The Scotts Miracle-Gro Company and The Scotts Company LLC hereby move this Court for an order reconsidering its August 7, 2017 Opinion and Order to: (i) find safe harbor bars plaintiffs' California express warranty and unjust enrichment claims (ii) exclude Dennis's CVM, and (iii) accept Dr. David's difference-in-difference analysis.

Dated: August 17 2017  
New York, New York

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 17, 2017, I served a copy of the foregoing, on all counsel of record at the addresses listed below, by filing with the Court's CM/ECF system.

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